

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MINUTES OF PROCEEDINGS

Date: August 23, 2022

BEFORE JUDGE FRANCISCO A. BESOSA

CIVIL NO. 12-2039 (FAB)

COURTROOM DEPUTY: Omar Flaquer-Mendoza

COURT REPORTER: Robin Marie Dispenzieri

COURT INTERPRETER: Sonia Crescioni

INTERPRETER FOR Defendants: Edna Brayfield

UNITED STATES OF AMERICA

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO, et al.

Defendants.

In Person Status hearing held as ordered at ECF No. 2117. Hearing began at 10:00 a.m. and ended at 11:50 a.m.

The following persons were present at this conference:

1. Federal Monitor John Romero, and team:
 - a. Denise Rodríguez, Chief Deputy Monitor
 - b. Scott Gragg, Monitoring Core Team
 - c. Merángelie Serrano, Monitoring Core Team

- d. Alan C. Youngs, Monitoring Core Team
- e. Luis Hidalgo, Legislative Advisor for the Federal Monitor
- f. Javier González, Administrative Director of the Office of the Federal Police Monitor
- g. Roberto Abesada, General Counsel for the Federal Monitor.

2. Special Master Dr. Alejandro Del Carmen, and team:

- a. Thomas D. Petrowski, Assistant Special Master
- b. Gary A. Loeffert, Second Assistant Special Master

3. For Plaintiff, United States of America:

- a. Trial Attorney Luis Saucedo
- b. Trial Attorney Jorge M. Castillo

4. For Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau:

- a. Counsel Gabriel A. Peñagarícano.
- b. Counsel Rafael E. Barreto-Solá

5. Office of the Governor (“La Fortaleza”)

- a. María Del Mar Ortiz, Esq., Special Counsel to the Governor

6. Office of Management and Budget (“OMB”)

- a. Pedro De Jesús, Chief Counsel and liaison on police reform matters
- b. Zulma Canales, Director of Fiscal Compliance

7. Puerto Rico Innovation and Technology Service (“PRITS”)

- a. Enrique Volckers, Innovation Chief of Staff and Technology
- b. Nanette Martínez-Ortiz, Acting Information, and Innovation Officer (“CIIO”), and Technology Officer (“CTO”) for the Commonwealth of Puerto Rico

8. General Services Administration (“GSA”)

- a. Edgardo González, Assistant Administrator for Service to the Agencies, and liaison on police reform matters

9. Office for the Administration and Transformation of Human Resources (“OATHR”)

- a. Gustavo Cartagena, Director

10. Department of Public Safety (“DPS”)

- a. Hon. Alexis Torres, Secretary, and the Governor’s representative for police reform matters

b. Rafael Riviere, Deputy Secretary

c. Arturo Garfer, Assistant Secretary

d. Carlos Colón, Director, IT Office

e. Miguel Candelario, Counsel to the Secretary

f. Maceira Berrios, Executive Director, Office of Human Resources and Labor Relations

12. Puerto Rico Police Bureau (“PRPB”)

a. Antonio López, Commissioner

b. Captain Carlos Figueroa, Director, Reform Office

c. Karylín Díaz-León, Counsel, Reform Office

d. Juan Carlos Rivera, Director of Information Technology

e. Ángel Díaz, Director, Consultant IT Bureau

m. Pedro Santiago, Counsel to the Commissioner, not present.

13. FOMB

a. Amaury Rodríguez, “Analyst” on Public Safety Matters

b. Elisa Guardiola, Budget Manager

14. Captain José González-Montañez, President, “Asociación de Policías Organizados”
(APO)

15. Hegrín Martínez-Martínez, Director Legal Office, OGP

16. Commanders or Acting Commanders of all thirteen PRPB Regions

17. Six members of the community

a. Modesta Irizarry, Community Leader, Loíza, Puerto Rico

b. Grisel Ortiz, “Oficina Enteresaría y Procuraduría de Personas con Impedimentos”

c. Dr. María Del Pilar Rodriguez, “Representante Comunidad de Salud Mental,
Universidad de Puerto Rico, Humacao”

d. José Rodríguez, Dominican Citizens Advocate

e. Samuel Rivera, “Portavoz Comité Interacción Ciudadana de Bayamon”

f. María Del Carmen Rosario, “Tercera Edad, Fajardo”

Before going to the agenda scheduled for today’s hearing, the Court discussed the visit made yesterday to the police academy. Additional fundings for renovations of the police academy was discussed. Secretary Torres informed that, along with the fiscal board, he is in the process to obtain the necessary funding for the renovations. Elisa Guardiola, Budget Manager, FOMB informed that conversations for funding for renovations of the police academy have already been held, but that no official written request has been submitted by the PRPB. The Court suggested

that Ms. Guardiola or any other member of the FOAM to visit the police academy for them to see the actual physical conditions of the police academy.

The following topics pursuant to the Order Scheduling Status Conference, ECF No. 2117 were discussed:

A. Discussion on PRPB's and United States' responses (submitted in July to the Court to those expenditures charged to the Reform Budget identified by the Special Master.

The United States informed that the Special Master identified 117 expenditures that appeared not to be related to the police reform. After being reviewed pursuant to the Court's Order, 8 of the 117 expenditures were related to the reform, but the other funds appear not to have been related to the reform. The parties agreed that recommendations that were presented to the Court for its review to have the Puerto Rico Office of the Inspector General (PROIG) audit the remaining 109 expenditures. The Commonwealth and the United States were granted until **September 2, 2022** to file a motion to confirm whether the Puerto Rico Office of Inspector General (PROIG) would be conducting the audits, or to provide names of any potential external auditor for the Court's consideration as to how to proceed in this matter.

B. Supervision Plan – Update on Puerto Rico Police Bureau efforts to promote Provisional Sergeants. It is expected that 250 permanent Sergeants be appointed by December 2022. Specific timeline for those promotions shall be submitted in the motion due on August 31, 2022. The United States, the Monitor and the Special Master were granted fifteen (15) days to review the plan to be submitted. Captain Figueroa explained the process that candidates have to follow to be considered for promotions

to Sergeant. Due date is October 1, 2022. Exam is set for November 1, 2022. Regulations on how the process is done was explained. By no later than December 1, 2022 the parties shall inform the status of what has been done on the timeline for the procedure for promotions to permanent Sergeant.

C. *PRPB's results of implementation of its Interim use of Force Plan, specifically the accuracy of its June, 2022 use of force numbers as ordered by the Court.* Monitor Romero informed the status of the results; the PRPB's ability to validate its use of force numbers has been a reoccurring problem. Monitor Romero requested that the PRPB be given the opportunity to submit an update on the accuracy of the June 2022 Use of Force numbers. The Commonwealth agreed. Meetings among parties were previously held in preparation for today's hearing and discussions were held to find ways on how the Registry of Use of Force should be improved. With the input given by the parties, a final Use of Force Plan should be ready to be submitted within thirty (30) days for the Court's review and approval. Mr. Ben Horwitz from AH Datalytics made a presentation on how the data entered is analyzed and then processed.

D. *Summary of the Monitor's CMR-6 Report.* Monitor Romero informed as to report filed on June 15, 2022 covering the period from October 2021 through March 2022. The Commonwealth submitted its position on the report, and findings made by the Monitor were not challenged.

E. *Update by PRPB on the work performed and to be performed by Gartner and AH Datalytics relating to Information Technology.* Scott Gragg, Monitoring Core Team, and Ben Horwitz from AH Datalytics informed the Court as to this matter. Work has

been divided into four tasks. Mr. Horwitz informed as to the work in progress concerning the collection of data.

F. Update by PRPB as the status of the forfeiture program (available funds) and PRPB'S current non-compliant status preventing it from accessing those funds.

Special Master Del Carmen informed that the total amount of available funds is not known, but the Commonwealth is getting close to inform when those funds will be available. Secretary Torres has already designated personnel to help with the process of identifying those funds. Dr. Del Carmen suggested that a meeting and a timeline should be set to establish what should be done. The Commonwealth informed that the PRPB does not has access to those funds because of its failure to comply with the requirements for their disbursement. The United States should participate with the Commonwealth in the meeting to make those funds available. The United States informed that the Deputy Chief of the Money Laundering Section in the U.S. Department of Justice, who is the administrator of that section, placed the PRPD in non-compliance status because of discrepancies in the reports; hence disbursements are on hold. Parties are in the process to obtain a solution on what the Commonwealth has to produce to be able to be compliant. Secretary Torres requested thirty (30) days to clarify the discrepancies. The Court, after having heard the parties as to this topic, ordered the parties to submit an informative motion addressing this issue within the next thirty (30) days.

G. As informed by Secretary Torres and Ms. Guardiola, about \$17 million of other funds have been deposited with the PRPB, and additional funds are in the process to be deposited.

H. *Update by the Special Master on the progress made on the Police Reform Office Review.* Special Master Del Carmen informed that several persons around the country that are in charge of reform offices in the various consent decrees, and people from the DOJ, the Office of the Monitor, and several persons within the PRPB have been interviewed. A report will be submitted on or before the deadline previously set.

I. *Status of the Regulation and all information on the matter related to hiring 18-year-old cadets (Discussed at the recent “253 Meeting”).* All the cadets that began training yesterday, have completed an Associates Degree before entering the academy. If the new plan is approved, cadets who do not have an Associates Degree will be allowed to enter the Academy, but to become sworn officers, cadets must have Associates Degrees. Agreements have to be made with universities who offer courses in criminal justice to coordinate with the Academy to make sure that courses that are given at the Academy or the Universities would count as credits for an Associates Degrees. Comments should be submitted within sixty (60) days.

J. *Pilot CIT Program in Arecibo.* There is a deadline for the Commonwealth to produce the evaluation report from the board which includes members not from PRPB. Report is due August 29, 2022. Captain Figueroa informed that it may take a month to train other persons in other regions to have a similar program.

Finally, the following persons from the community were allowed to address the Court:

1. Modesta Irizarry, Community Leader, Loíza, Puerto Rico
2. José Rodríguez, Dominican Citizens Advocate
3. Samuel Rivera, “Portavoz Comité Interacción Ciudadana de Bayamón”
4. María Del Carmen Rosario, “Tercera Edad, Fajardo”
5. Grisel Ortiz, “Oficina Entersesaría y Procuraduría de Personas con Impedimentos”

S/ Omar Flaquer-Mendoza
Omar Flaquer-Mendoza
Case Manager/Courtroom Deputy Clerk to
Hon. Francisco A. Besosa,
Senior U.S. District Judge